

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 9, 2000**

## DIVISION TWO

B131634      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Christina C.

The judgment is affirmed.

Nott, Acting P.J.

We concur: Cooper, J.  
Mallano, J. (Assigned)

B134114 Corey G. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(The People, r.p.i.)

Let a writ of mandate issue directing the juvenile court to set aside its order of July 2, 1999, granting the people's motion, and to enter a new and different order reconvening the fitness hearing in order to consider petitioner's evidence of intoxication in mitigation of the circumstances and gravity of the offenses alleged.

Nott, J.

I concur: Mallano, J. (Assigned)  
I dissent: Boren, P.J. (Opinion)

## DIVISION TWO (Continued)

B133785      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Christina C. et al.

The order of June 15, 1999, denying the petition for an evidentiary hearing pursuant to Welfare and Institutions Code section 388 is reversed and the matter is remanded for such a hearing.

Cooper, J.

We concur: Boren, P.J.  
Mallano, J. (Assigned)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Cooper, J., Mallano, J. (Assigned)

B127878 People (Not for Publication)  
v.  
Rodriguez

The Court:

The judgment is affirmed.

Nott, Acting P.J., Cooper, J., Mallano, J. (Assigned)

## DIVISION TWO (Continued)

[illegible]

The judgment is modified to provide that the amount awarded on Berman's complaint against Wilder is \$30, 377.09, and as so modified is affirmed. The parties shall bear their own costs.

Cooper, J.

We concur: Boren, P.J.  
Mallano, J. (Assigned)

[illegible]

The judgment is modified to provide to appellant has only one prior serious felony conviction within the meaning of Penal Code section 667, subdivision (a) (a), and that his sentence is enhanced by five years under Penal Code sections 667, subdivision (a) (1), rather than the ten years previously imposed under Penal Code section 667, subdivision (a) (1). The judgment is further modified to provide that the indeterminate sentence on count 1 is 25 years to life and that that sentence is to be served consecutively to the determinate sentence of 8 years, which consists of a 3-year enhancement under Penal Code section 1`2022.7 and one 5-year enhancement under Penal code section 667, subdivision (a) (1). The judgment is further modified to provide that a \$200 fine is imposed pursuant to Penal Code sections 1202.45, and that the latter fine is suspended unless appellant's parole is revoked. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting these modifications and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

Cooper, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION TWO (Continued)

B125886      California Attorneys for Criminal Justice      (Not for Publication)  
v.  
County of L.A., et al.

The judgment is reversed, with directions to enter an order sustaining the demurrer to the first cause of action without leave to amend, and allowing plaintiffs leave to file an amended complaint in conformity with this decision. Plaintiffs shall recover costs.

Cooper, J.

We concur:    Nott, Acting P.J.  
                  Mallano, J. (Assigned)

DIVISION THREE

B128653      People      (Not for Publication)  
v.  
Murria

The judgment is modified to impose a \$200 fine pursuant to Penal Code section 1202.45. The clerk of the superior court is ordered to modify the abstract of judgment accordingly. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur:    Kitching, Acting P.J.  
                  Schneider, J. (Assigned)

### DIVISION THREE (Continued)

B116267 People (Not for Publication)  
v.  
Higgins

The judgment is modified to award Higgins 124 days of good time/work time, for a total of 372 days of presentence custody credit, and by imposing a suspended \$2,500 parole revocation restitution fine pursuant to Penal Code section 1202.45. The clerk of the superior court is ordered upon issuance of the remittitur to correct the abstract of judgment as set forth in this opinion and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, Acting P.J.

We concur: Aldrich, J.  
Schneider, J. (Assigned)

B122703      Patrica Isgro      (Not for Publication)  
v.  
City of Santa Monica

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.  
Schneider, J. (Assigned)

B125048      John Morris      (Not for Publication)  
v.  
California Unemployment Insurance Appeals Board  
Employment Development Department

The judgment is affirmed. Each party to bear their own costs.

Klein, P.J.

We concur:   Kitching, J.  
                      Schneider, J. (Assigned)

### DIVISION THREE (Continued)

B136599 Susan S. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

Petition denied by opinion.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B132752      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Patricia A.

The judgment is reversed and the matter is remanded to the juvenile court to provide Mother section 366.23 notice and conduct another hearing.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

## DIVISION FOUR

B127699 Ho-Bo Engineering, Inc., et al. (Not for Publication)  
v.  
Chartered Construction Corporation et al.

In the SOM/KDG action (Chartered Construction v. Skidmore Owings and Merrill and Kennard Design Group), the judgment is reversed and the matter remanded to the superior court to vacate its order granting summary judgment in favor of SOM/KDG. Costs are awarded to appellant Chartered Construction. In the Norton action (Norton Electric Wholesale v. Chartered Construction and Travelers Casualty & Surety), the judgment (order granting summary judgment) is affirmed. Costs are awarded to respondent Norton Electric.

Hastings, J.

We concur: Epstein, Acting P.J.  
Dau, J. (Assigned)

## DIVISION FIVE

B130798 People (Not for Publication)  
v.  
Clinton Sampson

The judgment is modified to reflect a parole revocation fine of \$200 pursuant to Penal Code section 1202.45. The abstract of judgment is to be corrected to reflect this additional fine, and to reflect that the sentence imposed on count 2 was stayed pursuant to Penal Code section 654. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

## DIVISION FIVE (Continued)

B134740      People                                  (Not for Publication)  
v.  
**Robert Mitchell**

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

B132325      People      (Not for Publication)  
v.  
Robert Decatur

Appellant's sentence is vacated and this matter is remanded for a new sentencing hearing. The judgment is affirmed in all other respects.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Godoy Perez, J.

B134002      People                                  (Not for Publication)  
v.  
Michael Haynes

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                  Godoy Perez, J.



DIVISION FIVE (Continued)

B128223      Clarke L. Young                      (Not for Publication)  
                         v.  
                         Patricia A. Young

The order is affirmed. Respondent Patricia A. Young is awarded her costs on appeal.

Grignon, J.

We concur:    Turner, P.J.  
                         Godoy Perez, J.

B122305      James E. McTaggart et al.                      (Not for Publication)  
                         v.  
                         County of Los Angeles Malibu Sewer Special Assessment District.

The judgment is affirmed. Plaintiffs are to bear the County's costs on appeal.

Grignon, J.

We concur:    Turner, P.J.  
                         Armstrong, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J. and G. Bents, Deputy Clerk.

B124340      Haanpaa v. Murphy

Argument continued to May calendar.

B130647      San Luis Coastal Unified School District v. City of Morro Bay

Argument continued to March calendar.

DIVISION SIX (Continued)

B127720     Boone v. Boone

Argument waived, cause submitted.

B131030     Townsend  
v.  
EMC Mortgage Corp.

Merits:

Argued by Joseph W. Fairfield for appellant and by T. Robert Finlay for respondents. Cause submitted.

B128600     Foley  
v.  
Stones

Merits:

Argued by Roy E. Ogden for appellants/cross-respondents and by Mark Schiffman for respondent/cross-appellant. Cause submitted.

B127938     Trevillian  
v.  
Romasanta

Merits:

Argued by John A. Taylor, Jr. for appellant and by Alan A. Blakeboro for respondent. Cause submitted.

B124996     Circle K Ranch Corp.  
v.  
Santa Barbara Co.

Merits:

Argued by John Dorwin for appellant; by Alan L. Seltzer, deputy county counsel, for respondent; by Dennis D. Law for amicus curiae Weyrich Development Co.; by Arthur F. Coon for amicus curiae California Cities; and by Patrick Foran, deputy county counsel, for amicus curiae San Luis Obispo County. Cause submitted.

DIVISION SIX (Continued)

Court recessed at 11:10 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B129907      Braun v. Braun

Argument continued to March calendar.

B130069      Webber  
v.  
Webber

Merits:

Argued by Leila J. Noel for appellant and by Donald L. Boden for respondent. Cause submitted.

B129939      Singer  
v.  
Ornda Healthcorp

Merits:

Argued by Neil S. Tardiff for appellant and by Jay A. Hieatt for respondents and by Matthew S. Kennedy for respondent Skow. Cause submitted.

B127903      Lund  
v.  
Bally's Aerobics Plus, Inc.

Merits:

Argued by Charles B. O'Reilly for appellant and by Anthony J. Ellrod for respondents. Cause submitted.

DIVISION SIX (Continued)

B132975     Carlyle  
              v.  
              City of Atascadero

Merits:  
Argued by William Carlyle, appellant in propria persona. Argument  
waived by respondents. Cause submitted.

B127617     Brown  
              v.  
              Valenzuela Engineering, Inc.

Merits:  
Argued by Roland Wrinkle for appellants and by Julie Veltkamp for  
respondents. Cause submitted.

Coffee, J. left the bench.

B125212     George  
              v.  
              San Luis Obispo County

Merits:  
Argued by Shane D. Kramer for appellant and by Stephanie Ann Bowen for  
respondent. Cause submitted.

Court adjourned at 3:30 P.M.

## February 9, 2000-Continued

## DIVISION SEVEN

B133358 People (Not for Publication)  
v.  
Brown

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

B128985      People  
v.  
Nashika J., a minor

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B127435      Bartha  
v.  
Cohen

B130942      Bartha  
v.  
Cohen

Filed order consolidating above captioned appeals.